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March 18, 2013

File Number: 06JM-167279

VIA E-MAIL AND U.S. MAIL

Mindy Fogg
County of San Diego
5510 Overland Avenue, Suite 310
San Diego, CA 92123
E-mail: Mindy.Fogg@sdcounty.ca.gov

Re: Comments on Forest Conservation Initiative Lands General Plan Amendment and Draft Supplemental Environmental Impact Report

Dear Ms. Fogg:

On behalf of our client, Rancho Guejito Corporation, we appreciate the opportunity to submit comments on the Draft Forest Conservation Initiative (FCI) General Plan Amendment and the associated Draft Supplemental Environmental Impact Report (SEIR). The General Plan Amendment (GPA) revises the general plan's land use designations on approximately 72,000 acres of private land that was subject to the FCI in place from 1993 to 2010, including Rancho Guejito, and approximately 400 acres of adjacent private land not previously subject to the FCI.

Please note that two lawsuits are pending in court which could result in the invalidation and rescission of the General Plan Update program environmental impact report (GPU EIR) upon which the FCI SEIR relies. In September 2011, Rancho Guejito filed a Verified Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief, San Diego Superior Court Case No. 37-2011-000974236-CU-TT-CTL (General Plan EIR Lawsuit) alleging, among other things, that the GPU EIR violated CEQA. In November 2011, Rancho Guejito filed a second Verified Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief, San Diego Superior Court Case No. 37-2011-00100332-CU-WM-CTL (General Plan Lawsuit), alleging substantive violations of the State Planning and Zoning Law related to deficiencies in the General Plan Update. If the court grants the petition for either the General Plan Lawsuit or the General Plan EIR Lawsuit, the conclusions in the SEIR would likely be thrown into question and subject to challenge.

The GPA also states that it includes modifications to the County's Agricultural Preserve designations by removing the "A" zoning designator from most of the lands in the County that are not subject to a Williamson Act contract. We understand that the specific locations of the lands removed from the "A" designator will occur at a later date in a separate County rezone action, and that the subject FCI GPA action does not propose to add or remove "A" designators from Rancho Guejito.

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Rancho Guejito's current and planned future land use is agriculture; however, Rancho Guejito has either completed non-renewal or has requested non-renewal for all of its property formerly subject to Williamson Act contracts. Because the primary purpose of the "A" designator was to dovetail with the Williamson Act contracts, we do not believe that the "A" designator is appropriate on any Rancho Guejito property. We look forward to commenting on the specific rezone proposal and working with staff on that issue when it is proposed by the County at a later date.

Thank you for providing us the opportunity to comment.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Michael Hansen', with a long horizontal flourish extending to the right.

Michael Hansen
for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

SMRH:408096075.3

cc: Hank Rupp, Rancho Guejito Corp.
Donna Jones, Sheppard Mullin Richter & Hampton, LLP